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Committee Date:	08/05/2014	Application Number:	2014/01630/PA
Accepted:	24/03/2014	Application Type:	Full Planning
Target Date:	19/05/2014		
Ward:	Ladywood		

The Birmingham Mint, Ickniel Street, Hockley, Birmingham, B18 6RU

Conversion of floors 1 and 2 to provide 6 no. apartments, changes to the front and rear entrances with internal works, installation of solar panels to roof, retention of ground floor offices and associated car parking (Re-submission)

Applicant: D Wilson Property Holdings Ltd  
121- 125 Wellington Street, Winson Green, Birmingham, B18 4NN  
Agent: COS Design and Build Ltd  
44 Croydon Drive, Penkridge, Staffs, ST19 5DW

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. The application proposes the conversion of floors 1 and 2 of part of the former Birmingham Mint to provide six, one-bed apartments. The proposal seeks to refurbish the existing building above the existing ground floor offices. The offices would not be affected by the proposal.
- 1.2. The central stair would remain and will be isolated at ground floor to provide access to apartments 1, 2, 4, and 5 from the rear of the building. This would also allow access to the rear courtyard and to the car park and refuse facilities. Apartments 3 and 6 would be accessed from a lobby at the rear and south of the building. A new doorway would be created at ground floor level for this purpose.
- 1.3. The apartments would range in size from 70 square metres to 101 square metres and bedroom sizes within the apartments would vary in size from 13.37 square metres to 17.27 square metres. The apartment conversion would use the existing window openings but would require some new internal walls.
- 1.4. The ground floor office retains the existing entrance off Ickniel Street and shared access at the rear to the underground car park with apartments 3 and 6.
- 1.5. At basement level there are car parking provisions, and fifteen spaces would be allocated to the development. Cycle storage is currently provided within the basement and would be retained.
- 1.6. The application also proposes the introduction of photovoltaic panels on the internally facing sections of the roof.

- 1.7. The site was subject to planning and listed building consent in 2005 that created commercial and residential units on the wider site and approved a commercial use (office) for the application building. The current application is a resubmission of an application 2013 for the same development, that was refused after failure to secure the associated 106 agreement.

#### [Plans as Proposed](#)

#### [Proposed Elevations](#)

### 2. Site & Surroundings

- 2.1. The application site comprises the northern end of the former Birmingham Mint, a three-storey grade II listed building constructed circa 1860 in an Italianate red brick style. There is a retaining wall to the east constructed in red brick with arches and pillars built in to support the wall and changes in level.
- 2.2. Above the retaining wall is Warstone Lane Cemetery (a registered historic park and garden) and a cleared site which fronts onto Pemberton Street. The wider site is partly redeveloped following a previous consent in 2005 (2003/00393/PA (LBC) and 2003/00394/PA (FUL)).
- 2.3. The application site falls within the area defined as the 'Industrial Fringe' in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan.

#### [Site Location](#)

#### [Street View](#)

### 3. Planning History

- 3.1. 08/12/05 - 2003/00393/PA (LBC) and 2003/00394/PA (FUL)- Listed building and planning consent for demolition of buildings, conversion of frontage buildings to commercial, new build commercial units, 180 new apartments, 6 live / work units, new access point, parking and external works at the Birmingham Mint, Icknield Street. Planning consent subject to a S106 legal agreement to secure affordable housing and financial contribution towards Warstone Cemetery, public open space, children's play facilities and upgrading nearby bus stops.
- 3.2. 25/01/08 - 2007/06382/PA (LBC) - Permanent stability works to cemetery retaining walls- Approved.
- 3.3. 29/11/13 - 2013/02954/PA and 2013/02823/PA – Listed building and planning consent for the conversion of floors 1 and 2 to provide 6 no apartments, changes to the front and rear entrances with internal works, improvement to the front sash windows, installation of solar panels to roof and retention of ground floor offices and associated car parking – refused after failure to secure 106 agreement.
- 3.4. 2014/02014/PA - Listed building consent for the conversion of floors 1 and 2 to provide 6 no apartments, changes to the front and rear entrances with internal works, improvement to the front sash windows, installation of solar panels to roof and retention of ground floor offices and associated car parking – under consideration

### 4. Consultation/PP Responses

- 4.1. The application has been publicised by press and site notice. Local councillors, residents associations and neighbouring properties have been notified of the proposal. No comments have been received.
- 4.2. West Midlands Fire Service – No objections
- 4.3. West Midlands Police – No objections
- 4.4. Regulatory Services – No objection subject to conditions
- 4.5. Severn Trent Water – No objections subject to conditions
- 4.6. Transportation Development – No objections
- 4.7. Leisure Services – No further contributions required for public open space
- 4.8. Jewellery Quarter Development Trust – No objections in principle but further details required on photovoltaic cells and proposals for efficient space heating.
- 4.9. English Heritage – No objections in principle but concerns raised over use of double glazed units, obscure glazing, vents, internal layouts and entrance treatments

5. Policy Context

- 5.1. UDP (2005), draft Birmingham Development Plan, Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002), grade II listed building, NPPF.

6. Planning Considerations

**Principle**

- 6.1. Within the Adopted UDP, policy 3.25 states that developments affecting a listed building should preserve or enhance its character, with any external alteration or addition not adversely affecting its architectural or historic character. Policy 3.10 notes that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.2. The NPPF makes specific reference to 'Heritage Assets', which includes Conservation Areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.3. The NPPF states ' In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposals'.
- 6.4. The application proposes the conversion of the existing building to residential apartments at first and second floor. The application is a resubmission an

application submitted and approved at committee subject to a 106 agreement, but was subsequently refused as the agreement was not completed. The original 2005 application retained the use of this building for offices; however the applicant claims there has been no demand for this use and other alternatives have been sought. The applicant has submitted with the application correspondence from local agents confirming the difficulties there have been in securing office use for all three floors of the building. Over the sites history, there has been an ongoing struggle with viability, and the site has entered into receivership on at least one occasion. Given this history, and supplementary information submitted by the application I would consider there to be sufficient evidence to allow the change of use of the second and third floor of this building for residential. At the time of the application the ground floor offices are still not in use.

### **Consultation Responses**

- 6.5. Transportation Development has no objections to the proposal. The application proposes the retention of 15 parking spaces that were allocated to the previous office approval on the site. The parking provision therefore meets Birmingham City Council's guidelines in this instance. Cycle provision is also provided at basement level.
- 6.6. The Jewellery Quarter Development Trust (JQDT) has no objections to the principle of the proposal but has queried the impact of the photovoltaic cells on the listed building and requested proposals for efficient space heating. The number and location of the photovoltaic cells has been discussed with my conservation officer and the applicant, and a number of cells were removed prior to the submission of the application to alleviate any potential impact on the listed building or the surrounding environment. I therefore consider the photovoltaic cells to be acceptable in principle.
- 6.7. The JQDT also requested further details of the proposals for efficient space heating. The application proposes the use of the photovoltaic cells to provide a heat source for the development and has included details of this within the submitted design and access statement. I consider this to be sufficient information with regard to the energy proposals for the proposals and see no reason to request further information in this regard.

### **Impact of the Proposals on a Listed Building**

- 6.8. My Conservation Officer has raised no objection to the change of use in principle, subject to the works being carried out in line with the listed building consent elsewhere on this agenda. The proposals have been amended to reduce the extent of PV panels on the roof, to remove the proposed double glazing from the scheme, remove the obscure glazing from the front elevation and amend the front and rear entrances. The proposals are now considered acceptable. Additionally, the council's archaeologist has no objections to the proposals.
- 6.9. English Heritage raised a number of concerns regarding double glazed units, obscure glazing, vents, internal layouts and entrance treatments. These matters have been dealt with via amended plans, or can be controlled by condition.

### **Living Environment for Residents**

- 6.10. The bedroom sizes proposed accord with the guidance within Birmingham's Places for Living SPD. The application proposes bedroom sizes of between 13.37 square metres to 17.27 square metres, and are acceptable.

### **Planning Obligation**

- 6.11. The original Mint application provided a financial contribution of £342,400 and a 14% affordable housing contribution. Based on the development of six new units at the premises the application has agreed to a pro rata contribution of £11,412 towards public realm improvements and enhancements within the vicinity of the site and an offsite contribution of £43,000 towards affordable housing within the Ladywood ward. This is the same contribution that was agreed on the previous 2013 application.

### **7. Conclusion**

- 7.1. The application provides an opportunity to bring into use part of a grade II listed building that is currently empty. The proposal is acceptable in principle subject to the details agreed within the associated listed building consent and a section 106 contribution with regard to the additional residential properties being created.

### **8. Recommendation**

- 8.1. That consideration of the application 2014/01630/PA is deferred pending the completion of a satisfactory legal agreement providing:
- a) A financial contribution of £54,412 (Index linked from the date of the committee resolution) to be used: £11,412 towards public realm improvements and enhancements within the vicinity of the site and an offsite contribution of £43,000 towards affordable housing within the Ladywood ward.
- b) A financial contribution of £1,904 for planning administration and monitoring of the legal agreement to be paid upon completion of the legal agreement.
- 8.2. That in the event of the legal agreement being completed by the 16th May 2014, planning permission be granted subject to the conditions listed below.
- 8.3. That in the event of the legal agreement not being completed to the satisfaction of the Local Planning Authority, by 16<sup>th</sup> May 2014, application 2014/01630/PA be refused for the following reason: in the absence of any suitable legal agreement to secure a financial contribution towards public realm improvements and enhancements within the vicinity of the site and affordable housing within the vicinity of the site the proposal conflicts with Policy 5.7 and Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005.
- 8.4. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the legal agreement.

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| 1 | Requires the scheme to be in accordance with the listed approved plans                   |
| 2 | Requires the prior submission a noise study to establish residential acoustic protection |
| 3 | Requires the prior submission of a drainage scheme                                       |
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- 4 Requires the prior submission of a mobility access scheme
  - 5 Requires the provision of cycle parking prior to occupation
  - 6 Requires the prior submission of a parking management strategy
  - 7 Limits the approval to 3 years (Full)
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Case Officer: Eiryl McCook

**Photo(s)**

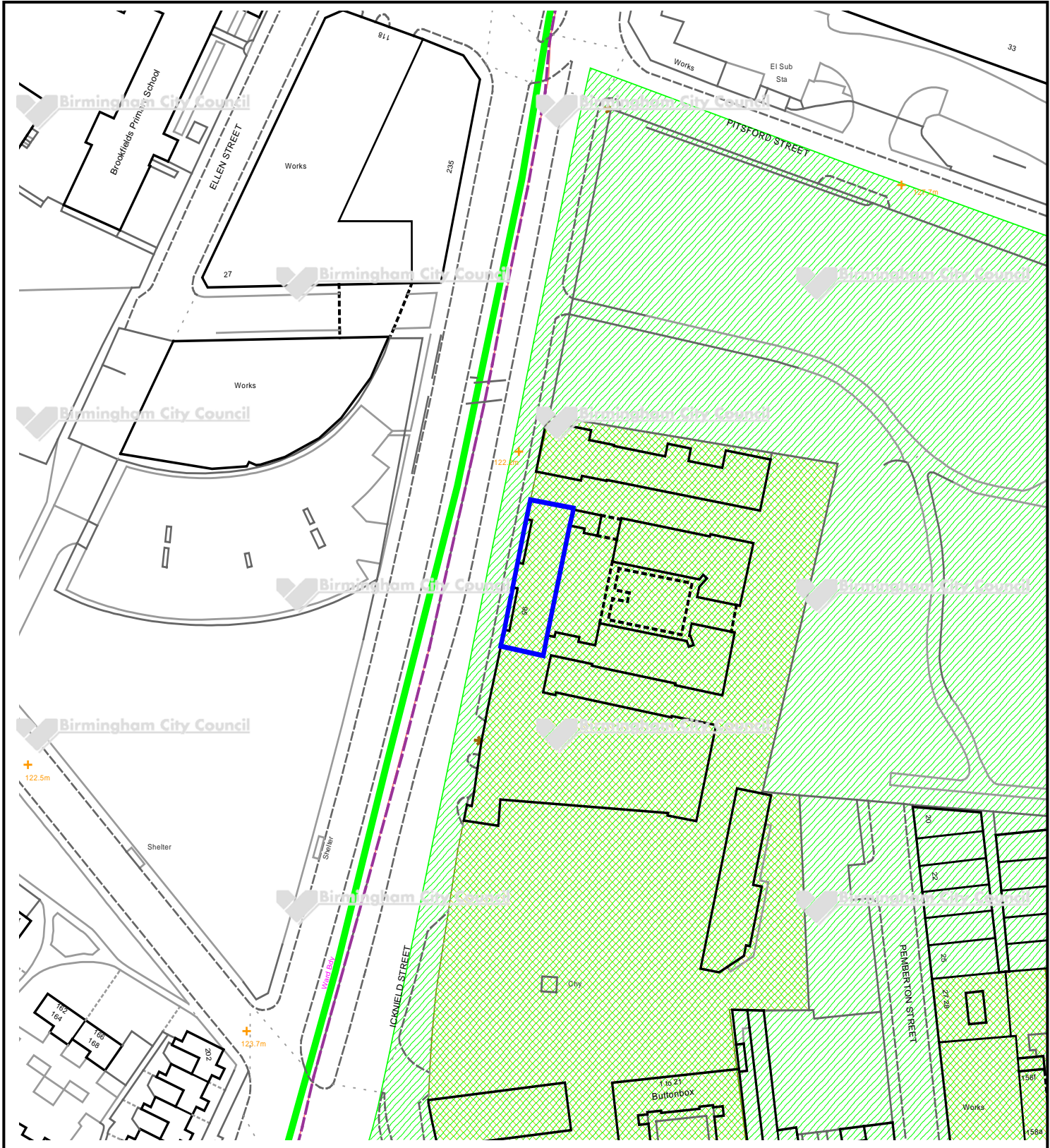


**Figure 1 - Front Elevation**



**Figure 2 - Front Elevation Looking South**

# Location Plan



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